IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6565 OF 2004

Vasantrao Ganpatrao More. ... Petitioner
v/s.
Zilla Parishad, Satara. ... Respondent

Mr.U.P. Warunjikar for petitioner.

Mr.M.M. Mehere for respondent.

CORAM : H.L. GOKHALE &
S.P. KUKDAY, JJ.

DATE : 8th June 2005

P.C. :

1. Heard the learned Counsel for the parties.

2. The petitioner was an employee of the respondent-Zilla Parishad. He put in some 17 years of service and tendered his resignation on 9th November 1981. There appears to be correspondence thereafter with respect to finalisation of his dues, ultimately resulting into a letter dated 29th August 1983 wherein the Chief Accounts and Finance Officer, Satara Zilla Parishad, Satara, has recorded that the petitioner has paid an amount of Rs.10,554/- which has been credited on his account against the principal amount due from him to the Zilla Parishad. The letter thereafter states that as regards the payment of his provident fund amount, he should

get his resignation accepted and submit a proposal for final withdrawal of the provident fund amount so that the outstanding dues of the interest will be adjusted from the provident fund amount.

3. The petition is filed by contending that the petitioner is entitled to pension, gratuity and other retirement benefits. However it is clear that the petitioner had not completed 20 years of service and inasmuch as he had not completed this qualifying service and yet resigned, in view of Rule 46 of the Maharashtra Civil Services (Pension) Rules, 1982, his pension and gratuity were liable to be forfeited. That was communicated to the petitioner on 8th October 1998. The petitioner points out that subsequently he almost became blind and prays that a sympathetic view be taken. However, this is a development subsequent to his resignation. It is not a case that he was suffering from any particular problem during the service.

4. Mr.Warunjikar, learned Counsel appearing for the petitioner, submits that a specific order accepting the resignation has not been passed and, therefore, the petitioner should be treated as

completed the qualifying service. This cannot be accepted inasmuch as when the formal order is passed it will relate back the date of resignation and which will mean that the petitioner had not completed the qualifying service of 20 years. In the circumstances, we cannot entertain this petition.

5. It, however, remains to be noted that the Zilla Parishad has not filed a reply though the petition was filed long back. Even so, considering the fact that the provident fund amount of the petitioner is yet to be paid to him and probably there would be some other dues such as encashment leave and some other unpaid dues of the petitioner, though we are not entertaining this petition, we direct the respondent-Zilla Parishad to take a decision on the resignation of the petitioner within eight weeks hereafter, pass a formal order and forward the same to the petitioner and to the Chief Accounts and Finance Officer of the Zilla Parishad so that he releases the unpaid provident fund amount of the petitioner after deducting the amount in case any amounts are due from the petitioner to the Zilla Parishad. The Chief Accounts and Finance Officer will also see to it that if there are any other amounts due

to the petitioner other than the pension and gratuity and if they are legitimately due to the petitioner, the same will be cleared within eight weeks after receiving the formal order of acceptance of resignation from the Zilla Parishad. The petition stands disposed of.

(H.L. GOKHALE, J.)

(S.P. KUKDAY, J.)